

REMARKS/ARGUMENTS

In response to the Examiner's further Office Action of March 12, 2009 issued with respect to the present RCE application, the Applicant respectfully submits the accompanying Amendment of the claims and the below Remarks.

Regarding Amendment

In the Amendment:

independent claims 1 and 19 are amended to omit recitation of electrodes surrounding the nozzle and to clarify that the first layer has portions of different thickness respectively defining the heater element and electrodes and the second layer not having the heater element has a single thickness defining the electrodes. Support for this amendment can be found, for example, at page 11, lines 19-30 and in Fig. 34 of the present application; and

dependent claims 2-8, 10-18, 20-27 and 29-37 are unchanged.

It is respectfully submitted that the above amendments do not add new matter to the present application.

Regarding 35 USC 112, second paragraph Rejections

It is respectfully submitted that the amended independent claims 1 and 19 are definite because one of ordinary skill in the art is able to ascertain that the second layer does not have a heater element, since it has a single thickness defining the electrodes, unlike the first layer which has different thickness respectively defining the heater element and electrodes.

Regarding 35 USC 103(a) Rejections

It is respectfully submitted that the subject matter of amended independent claims 1 and 19, and the claims dependent therefrom, is not taught or suggested by any one or more of Kubby, Moon, DeMoor, Silverbrook, Feinn and Kashino, because none of these cited references teach or suggest spaced-apart heater layers with one layer having portions of different thickness respectively defining the heater element and electrodes and another layer not having the heater element and having a single thickness defining the electrodes, as is required by the claimed invention.

In particular, in Kubby the "second layer" Poly 2 does not have a single thickness defining electrodes because it contains the doped area 20b (see col. 4, lines 44-55), and none of the other cited references provide any disclosure which would motivate one of ordinary skill in the art to remove this doped area from the "second layer".

It is respectfully submitted that all of the Examiner's rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,



Kia Silverbrook, Managing Director

Silverbrook Research Pty Ltd
393 Darling Street
Balmain NSW 2041, Australia

Email: pair@silverbrookresearch.com
Telephone: +612 9818 6633
Facsimile: +61 2 9555 7762